



General Assembly

January Session, 2001

***Raised Bill No. 1083***

LCO No. 3464

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING ENHANCED SUPERVISION OF OFFENDERS  
AND ENHANCED ACCESS TO SUBSTANCE ABUSE TREATMENT  
AND OTHER TREATMENT PROGRAMS IN THE CRIMINAL JUSTICE  
SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The Department of Mental Health and  
2 Addiction Services shall provide treatment services to incarcerated  
3 inmates and community-supervised offenders sufficient to meet the  
4 service needs of the population of incarcerated and community-  
5 supervised offenders, ensure public safety, and reduce prison  
6 overcrowding and criminal recidivism. The treatment services  
7 provided by the department pursuant to this section shall include  
8 training, rehabilitation, treatment and other programs devoted to  
9 substance abuse, mental health, anger management and sex offender  
10 treatment. Such treatment services shall also include necessary and  
11 appropriate maintenance and detoxification treatment to any inmate or  
12 community-supervised offender whom the department has  
13 determined would benefit from such treatment. Inmates incarcerated  
14 for a period likely to exceed one year are not eligible for maintenance  
15 treatment pursuant to this section.

16 (b) The Department of Mental Health and Addiction Services, with  
17 the cooperation of the Department of Correction, the Board of Parole  
18 and the Judicial Department, shall establish on the premises of  
19 correctional facilities and community-based facilities programs to  
20 screen incarcerated inmates and community-released offenders for  
21 substance abuse dependency.

22 (c) The Department of Mental Health and Addiction Services shall  
23 provide inmates released into the community with a transitional  
24 caseworker who shall effectively manage and support the  
25 reintegration of inmates into the community and coordinate the  
26 provision of treatment programs as provided under subsection (a) of  
27 this section.

28 Sec. 2. (NEW) A sentencing team shall be established at all criminal  
29 court locations to advise the court on appropriate sentences for  
30 offenders, to maximize the use of graduated sanctions for offenders, to  
31 increase the criminal justice agencies' use of community correction  
32 programs and to improve the organizational capacity of the criminal  
33 justice system. Each sentencing team shall be composed of a judge, a  
34 state's attorney, a public defender, a bail commissioner, a probation  
35 officer, a criminal sanctions monitor, a representative from the  
36 Department of Mental Health and Addiction Services, a representative  
37 from the Department of Correction and a parole officer from the  
38 board's hearings division.

39 Sec. 3. (NEW) (a) Notwithstanding any provision of the general  
40 statutes, when sentencing a person convicted of an offense under  
41 section 21a-267, 21a-278, 21a-278a or 21a-279 of the general statutes, as  
42 amended by this act, or any other drug-related offense for which there  
43 is a mandatory minimum sentence, that did not involve the use,  
44 attempted use or threatened use of physical force against another  
45 person or result in the physical injury or serious physical injury of  
46 another person, and in the commission of which such person was  
47 neither armed with nor threatened the use of or displayed or

48 represented by word or conduct that such person possessed any  
49 firearm, deadly weapon or dangerous instrument, as such terms are  
50 defined in section 53a-3 of the general statutes, in the absence of any  
51 mitigating circumstances as determined by the court, the court shall  
52 not depart from the prescribed mandatory minimum sentence. The  
53 court shall specifically state in writing for the record the mitigating  
54 circumstances, or absence thereof, relied upon for imposing the  
55 particular sentence.

56 (b) Notwithstanding any provision of the general statutes, when  
57 determining an offender's eligibility for any type of parole or  
58 probation release, or a drug treatment program, when the offender has  
59 been convicted of an offense under section 21a-267, 21a-278, 21a-278a  
60 or 21a-279 of the general statutes, as amended by this act, or any other  
61 drug-related offense for which there is a mandatory minimum  
62 sentence, that did not involve the use, attempted use or threatened use  
63 of physical force against another person or result in the physical injury  
64 or serious physical injury of another person, and in the commission of  
65 which such person was neither armed with nor threatened the use of  
66 or displayed or represented by word or conduct that such person  
67 possessed any firearm, deadly weapon or dangerous instrument, as  
68 such terms are defined in section 53a-3 of the general statutes, in the  
69 absence of any mitigating circumstances as determined by the court,  
70 the court shall not depart from the prescribed mandatory minimum  
71 sentence. The court shall specifically state in writing for the record the  
72 mitigating circumstances, or absence thereof, relied upon for imposing  
73 the particular sentence.

74 Sec. 4. Subsection (a) of section 17a-696 of the general statutes is  
75 repealed and the following is substituted in lieu thereof:

76 (a) The provisions of this section shall not apply to any person  
77 charged with a violation of section 14-227a or 53a-60d or with a class  
78 A, B or C felony. [or to any person who was previously ordered treated  
79 under this section, subsection (i) of section 17-155y, section 19a-386 or

80 section 21a-284 of the general statutes revised to 1989.] The court may  
81 waive the ineligibility provisions of this subsection for any person.

82 Sec. 5. Section 17a-699 of the general statutes is repealed and the  
83 following is substituted in lieu thereof:

84 (a) The provisions of this section shall not apply to any person  
85 convicted of murder, attempt to commit murder, kidnapping, robbery  
86 in the first degree or any felony involving serious physical injury. [or  
87 to any person who has been previously ordered to be treated under  
88 this section or section 19a-387 or 21a-285 of the general statutes,  
89 revised to 1989.]

90 (b) Before sentencing a convicted person, the court may consider  
91 any information before it concerning the alcohol or drug dependency  
92 of the person, including an examination report made pursuant to  
93 section 17a-694. The court may impose a sentence and order treatment  
94 as provided in subsection (c) of this section if the court finds that (1)  
95 the convicted person was an alcohol-dependent or drug-dependent  
96 person at the time of the crime for which [he] such person was  
97 convicted, (2) there was a relationship between the dependency and  
98 the crime, (3) the person presently needs and is likely to benefit from  
99 treatment for the dependency, (4) the person is not ineligible under  
100 subsection (a) of this section, and (5) the person meets the criteria for  
101 probation under subsection (c) of section 53a-29.

102 (c) The court may, after imposing sentence, (1) suspend execution of  
103 a sentence of imprisonment, either entirely or after a period set by the  
104 court, (2) impose a period of probation as provided in this section and  
105 subsections (b) and (c) of section 53a-28, and (3) as a condition of  
106 probation, order the Office of Adult Probation to place the person in an  
107 appropriate treatment program for alcohol or drug dependency. The  
108 court may require that a probation officer have at least one contact per  
109 week with the treatment program in which the person is participating  
110 and at least one contact per week with the person when such person is  
111 not participating in an inpatient program. Placement in a treatment

112 program shall be no earlier than the date that space is available in a  
113 treatment program as reported by the clinical examiner under section  
114 17a-694.

115 (d) The court may order that the person be transferred immediately  
116 to a treatment program provided space is available as provided in  
117 subsection (c) of this section. If the court orders an immediate transfer,  
118 it shall issue a mittimus directing the judicial marshal to convey the  
119 person to the treatment program.

120 (e) Time spent in a treatment program by a person pursuant to the  
121 provisions of this section shall not be credited against any sentence, the  
122 execution of which was suspended because of such treatment.

123 (f) Any violation of conditions set under this section shall be a  
124 violation of probation under section 53a-32.

125 (g) The provisions of this section shall not be construed to limit the  
126 application of any provision of the general statutes (1) requiring  
127 mandatory minimum sentences, unless any such sentence has been  
128 suspended or reduced pursuant to section 3 of this act, and (2)  
129 prohibiting probation for certain offenses.

130 Sec. 6. Subsection (c) of section 21a-267 of the general statutes is  
131 repealed and the following is substituted in lieu thereof:

132 (c) Any person who violates subsection (a) or (b) of this section in or  
133 on, or within one thousand five hundred feet of, the real property  
134 comprising a public or private elementary or secondary school and  
135 who is not enrolled as a student in such school shall be imprisoned for  
136 a term of one year, which [shall not] may be suspended at the court's  
137 discretion pursuant to section 3 of this act, and shall be in addition and  
138 consecutive to any term of imprisonment imposed for violation of  
139 subsection (a) or (b) of this section.

140 Sec. 7. Subsection (a) of section 21a-278 of the general statutes is  
141 repealed and the following is substituted in lieu thereof:

142 (a) Any person who manufactures, distributes, sells, prescribes,  
 143 dispenses, compounds, transports with the intent to sell or dispense,  
 144 possesses with the intent to sell or dispense, offers, gives or  
 145 administers to another person one or more preparations, compounds,  
 146 mixtures or substances containing an aggregate weight of one ounce or  
 147 more of heroin, methadone or cocaine or an aggregate weight of one-  
 148 half gram or more of cocaine in a free-base form or a substance  
 149 containing five milligrams or more of lysergic acid diethylamide,  
 150 except as authorized in this chapter, and who is not, at the time of such  
 151 action, a drug-dependent person, shall be imprisoned for a minimum  
 152 term of not less than five years nor more than twenty years; and, a  
 153 maximum term of life imprisonment. The execution of the mandatory  
 154 minimum sentence imposed by the provisions of this subsection [shall  
 155 not be suspended except the court may suspend the execution of such  
 156 mandatory minimum sentence] may be suspended (1) at the court's  
 157 discretion pursuant to section 3 of this act, or (2) if at the time of the  
 158 commission of the offense [(1)] (A) such person was under the age of  
 159 eighteen years, or [, (2)] (B) such person's mental capacity was  
 160 significantly impaired but not so impaired as to constitute a defense to  
 161 prosecution.

162 Sec. 8. Section 21a-278a of the general statutes is repealed and the  
 163 following is substituted in lieu thereof:

164 (a) Any person eighteen years of age or older who violates section  
 165 21a-277 or 21a-278, as amended by this act, and who is not, at the time  
 166 of such action, a drug-dependent person, by distributing, selling,  
 167 prescribing, dispensing, offering, giving or administering any  
 168 controlled substance to another person who is under eighteen years of  
 169 age and is at least two years younger than such person who is in  
 170 violation of section 21a-277 or 21a-278, as amended by this act, shall be  
 171 imprisoned for a term of two years, which [shall not be suspended  
 172 and] may be suspended at the court's discretion subject to section 3 of  
 173 this act. The term imposed under this subsection shall be in addition  
 174 and consecutive to any term of imprisonment imposed for violation of

175 section 21a-277 or 21a-278, as amended by this act.

176 (b) Any person who violates section 21a-277 or 21a-278, as amended  
177 by this act, by manufacturing, distributing, selling, prescribing,  
178 dispensing, compounding, transporting with the intent to sell or  
179 dispense, possessing with the intent to sell or dispense, offering, giving  
180 or administering to another person any controlled substance in or on,  
181 or within one thousand five hundred feet of, the real property  
182 comprising a public or private elementary or secondary school, a  
183 public housing project or a licensed child day care center, as defined in  
184 section 19a-77, that is identified as a child day care center by a sign  
185 posted in a conspicuous place shall be imprisoned for a term of three  
186 years, which [shall not be suspended and] may be suspended at the  
187 court's discretion subject to section 3 of this act. The term imposed  
188 under this subsection shall be in addition and consecutive to any term  
189 of imprisonment imposed for violation of section 21a-277 or 21a-278, as  
190 amended by this act. To constitute a violation of this subsection, an act  
191 of transporting or possessing a controlled substance shall be with  
192 intent to sell or dispense in or on, or within one thousand five hundred  
193 feet of, the real property comprising a public or private elementary or  
194 secondary school, a public housing project or a licensed child day care  
195 center, as defined in section 19a-77, that is identified as a child day care  
196 center by a sign posted in a conspicuous place. For the purposes of this  
197 subsection, "public housing project" means dwelling accommodations  
198 operated as a state or federally subsidized multifamily housing project  
199 by a housing authority, nonprofit corporation or municipal developer,  
200 as defined in section 8-39, pursuant to chapter 128 or by the  
201 Connecticut Housing Authority pursuant to chapter 129.

202 (c) Any person who employs, hires, uses, persuades, induces,  
203 entices or coerces a person under eighteen years of age to violate  
204 section 21a-277 or 21a-278, as amended by this act, shall be imprisoned  
205 for a term of three years, which [shall not be suspended and] may be  
206 suspended at the court's discretion subject to section 3 of this act. The  
207 term imposed under this subsection shall be in addition and

208 consecutive to any term of imprisonment imposed for violation of  
209 section 21a-277 or 21a-278, as amended by this act.

210 Sec. 9. Subsection (d) of section 21a-279 of the general statutes is  
211 repealed and the following is substituted in lieu thereof:

212 (d) Any person who violates subsection (a), (b) or (c) of this section  
213 in or on, or within one thousand five hundred feet of, the real property  
214 comprising a public or private elementary or secondary school and  
215 who is not enrolled as a student in such school or a licensed child day  
216 care center, as defined in section 19a-77, that is identified as a child day  
217 care center by a sign posted in a conspicuous place shall be imprisoned  
218 for a term of two years, which [shall not be suspended and] may be  
219 suspended at the court's discretion pursuant to section 3 of this act.  
220 The term imposed under this subsection shall be in addition and  
221 consecutive to any term of imprisonment imposed for violation of  
222 subsection (a), (b) or (c) of this section.

223 Sec. 10. Section 51-181b of the general statutes is repealed and the  
224 following is substituted in lieu thereof:

225 (a) The Chief Court Administrator may establish in any  
226 geographical area court location or juvenile matters court location a  
227 docket separate from other criminal or juvenile matters for the hearing  
228 of criminal or juvenile matters in which a defendant is a drug-  
229 dependent person, as defined in section 21a-240. The docket in a  
230 geographical area court location shall be available to, but not be  
231 limited to, offenders who are sixteen to twenty-one years of age and  
232 who could benefit from placement in a substance abuse treatment  
233 program.

234 (b) No offender charged with a sale offense may be denied  
235 eligibility to participate in the program established under subsection  
236 (a) of this section solely due to such charged offense. No offender may  
237 be denied eligibility to participate in the program established under  
238 subsection (a) of this section solely because the offender has



239 withdrawn from substance abuse treatment against medical advice on  
240 a prior occasion or because the offender has relapsed after earlier  
241 treatment.

242 (c) Not later than January 2, 2002, each docket established under  
243 subsection (a) of this section shall, with the cooperation of the  
244 Department of Mental Health and Addiction Services, offer  
245 appropriate substance abuse detoxification, maintenance and other  
246 treatment programs, including, but not limited to, methadone  
247 detoxification and methadone maintenance treatments, to all offenders  
248 assigned to such docket who have been determined by the Department  
249 of Mental Health and Addiction Services to be dependent on opiates  
250 and in need of detoxification or maintenance treatment.

251 (d) The Department of Mental Health and Addiction Services shall  
252 contract with methadone treatment programs licensed in this state to  
253 provide the detoxification and maintenance treatment as required  
254 under subsection (c) of this section. The Department of Mental Health  
255 and Addiction Services shall establish a state-wide registry of program  
256 participants.

257 Sec. 11. Subsection (b) of section 53a-24 of the general statutes is  
258 repealed and the following is substituted in lieu thereof:

259 (b) Notwithstanding the provisions of subsection (a) of this section,  
260 the provisions of sections 53a-28 to 53a-44, inclusive, shall apply to  
261 motor vehicle violations. Said provisions shall apply to convictions  
262 under section 21a-278, [except that the execution of any mandatory  
263 minimum sentence imposed under the provisions of said section may  
264 not be suspended] as amended by this act, unless the court determines  
265 not to exercise its discretion to suspend or reduce the mandatory  
266 minimum sentence imposed under section 21a-278, as amended by this  
267 act, pursuant to section 3 of this act.

268 Sec. 12. Subsection (a) of section 53a-30 of the general statutes,  
269 amended by section 5 of public act 00-72, is repealed and the following

270 is substituted in lieu thereof:

271 (a) When imposing sentence of probation or conditional discharge,  
 272 the court may, as a condition of the sentence, order that the defendant:  
 273 (1) Work faithfully at a suitable employment or faithfully pursue a  
 274 course of study or of vocational training that will equip the defendant  
 275 for suitable employment; (2) undergo medical or psychiatric treatment  
 276 and remain in a specified institution, when required for that purpose;  
 277 (3) support the defendant's dependents and meet other family  
 278 obligations; (4) make restitution of the fruits of the defendant's offense  
 279 or make restitution, in an amount the defendant can afford to pay or  
 280 provide in a suitable manner, for the loss or damage caused thereby  
 281 and the court may fix the amount thereof and the manner of  
 282 performance; (5) if a minor, (A) reside with the minor's parents or in a  
 283 suitable foster home, (B) attend school, and (C) contribute to the  
 284 minor's own support in any home or foster home; (6) post a bond or  
 285 other security for the performance of any or all conditions imposed; (7)  
 286 refrain from violating any criminal law of the United States, this state  
 287 or any other state; (8) if convicted of a misdemeanor or a felony, other  
 288 than a capital felony, a class A felony or a violation of section 21a-278,  
 289 as amended by this act, 21a-278a, as amended by this act, 53a-55, 53a-  
 290 56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which there is  
 291 a mandatory minimum sentence, [which may not be] unless  
 292 suspended or reduced by the court pursuant to section 3 of this act,  
 293 and any sentence of imprisonment is suspended, participate in an  
 294 alternate incarceration program; (9) reside in a residential community  
 295 center or halfway house approved by the Commissioner of Correction,  
 296 and contribute to the cost incident to such residence; (10) participate in  
 297 a program of community service labor in accordance with section 53a-  
 298 39c; (11) participate in a program of community service in accordance  
 299 with section 51-181c; (12) if convicted of a violation of subdivision (2)  
 300 of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or  
 301 53a-72b, undergo specialized sexual offender treatment; (13) if  
 302 convicted of a criminal offense against a victim who is a minor, a  
 303 nonviolent sexual offense or a sexually violent offense, as defined in

304 section 54-250, or of a felony that the court finds was committed for a  
305 sexual purpose, as provided in section 54-254, register such person's  
306 identifying factors, as defined in section 54-250, with the  
307 Commissioner of Public Safety when required pursuant to section 54-  
308 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic  
309 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,  
310 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime  
311 education program; (16) satisfy any other conditions reasonably  
312 related to the defendant's rehabilitation. The court shall cause a copy of  
313 any such order to be delivered to the defendant and to the probation  
314 officer, if any.

315 Sec. 13. Subsection (a) of section 53a-39a of the general statutes is  
316 repealed and the following is substituted in lieu thereof:

317 (a) In all cases where a defendant has been convicted of a  
318 misdemeanor or a felony, other than a capital felony, a class A felony  
319 or a violation of section 21a-278, as amended by this act, 21a-278a, as  
320 amended by this act, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b  
321 or any other offense for which there is a mandatory minimum  
322 sentence, [which may not be] unless suspended or reduced by the  
323 court pursuant to section 3 of this act, after trial or by a plea of guilty  
324 without trial, and a term of imprisonment is part of a stated plea  
325 agreement or the statutory penalty provides for a term of  
326 imprisonment, the court may, in its discretion, order an assessment for  
327 placement in an alternate incarceration program to be conducted by  
328 the Office of Adult Probation. If the Office of Adult Probation  
329 recommends placement in an alternate incarceration program, it shall  
330 also submit to the court a proposed alternate incarceration plan. Upon  
331 completion of the assessment, the court shall determine whether such  
332 defendant shall be ordered to participate in such program as an  
333 alternative to incarceration. If the court determines that the defendant  
334 shall participate in such program, the court shall suspend any sentence  
335 of imprisonment and shall make participation in the alternate  
336 incarceration program a condition of probation as provided in section

337 53a-30.

338 Sec. 14. Section 53a-39c of the general statutes is repealed and the  
339 following is substituted in lieu thereof:

340 (a) There is established, within available appropriations, a  
341 community service labor program for persons charged with a violation  
342 of section 21a-267 or 21a-279, [who have not previously been convicted  
343 of a violation of section 21a-267, 21a-277, 21a-278 or 21a-279] as  
344 amended by this act. Upon application by any such person for  
345 participation in such program the court may grant such application  
346 and (1) if such person has not previously been placed in the  
347 community service labor program, the court may either suspend  
348 prosecution and place such person in such program or, upon a plea of  
349 guilty without trial where a term of imprisonment is part of a stated  
350 plea agreement, suspend any sentence of imprisonment and make  
351 participation in such program a condition of probation or conditional  
352 discharge in accordance with section 53a-30, as amended by this act; or  
353 (2) if such person has previously been placed in such program, the  
354 court may, upon a plea of guilty without trial where a term of  
355 imprisonment is part of a stated plea agreement, suspend any sentence  
356 of imprisonment and make participation in such program a condition  
357 of probation or conditional discharge in accordance with said section  
358 53a-30, as amended by this act. No person may be placed in such  
359 program who has twice previously been placed in such program.

360 (b) Any person for whom prosecution is suspended and who is  
361 placed in the community service labor program pursuant to subsection  
362 (a) of this section shall agree to the tolling of the statute of limitations  
363 with respect to such crime and to a waiver of such person's right to a  
364 speedy trial. A pretrial community service labor program established  
365 under this section for persons for whom prosecution is suspended  
366 shall include a drug education component. If such person satisfactorily  
367 completes the program of community service labor to which such  
368 person was assigned, such person may apply for dismissal of the

369 charges against such person and the court, on reviewing the record of  
370 such person's participation in such program and on finding such  
371 satisfactory completion, shall dismiss the charges. If the program  
372 provider certifies to the court that such person did not successfully  
373 complete the program of community service labor to which such  
374 person was assigned or is no longer amenable to participation in such  
375 program, the court shall enter a plea of not guilty for such person and  
376 immediately place the case on the trial list.

377 (c) The period of participation in a community service labor  
378 program shall be: (1) For a violation of section 21a-267, as amended by  
379 this act, a minimum of fourteen days for a first violation and thirty  
380 days for a second violation involving a plea of guilty and conviction;  
381 (2) for a violation of subsection (a) of section 21a-279, fourteen days for  
382 a first violation and thirty days for a second violation; (3) for a  
383 violation of subsection (b) of section 21a-279, ten days for a first  
384 violation and twenty days for a second violation; and (4) for a violation  
385 of subsection (c) of section 21a-279, two days for a first violation and  
386 ten days for a second violation.

387 Sec. 15. Section 54-56i of the general statutes is repealed and the  
388 following is substituted in lieu thereof:

389 [(a) Not later than January 1, 1998, but in no event sooner than the  
390 establishment of the pilot research drug education program under  
391 section 17a-715, the]

392 (a) The Department of Mental Health and Addiction Services shall  
393 establish a pretrial drug education program for persons charged with a  
394 violation of section 21a-267 or 21a-279, as amended by this act.

395 [(b) Upon application by any such person for participation in such  
396 program, the court shall, but only as to the public, order the court file  
397 sealed provided such person states under oath, in open court or before  
398 any person designated by the clerk and duly authorized to administer  
399 oaths, under penalties of perjury, that such person has never had such

400 program invoked in such person's behalf. A person shall be ineligible  
401 for participation in such pretrial drug education program if such  
402 person has previously participated in the drug education program  
403 established under this section or the pretrial community service labor  
404 program established under section 53a-39c.]

405 [(c)] (b) The court, after consideration of the recommendation of the  
406 state's attorney, assistant state's attorney or deputy assistant state's  
407 attorney in charge of the case, may, in its discretion, grant [such] an  
408 application for participation in the program. If the court grants such  
409 application, it shall refer such person to the Bail Commission for  
410 confirmation of the eligibility of the applicant.

411 [(d)] (c) Upon confirmation of eligibility, such person shall be  
412 referred to the Department of Mental Health and Addiction Services  
413 by the Bail Commission for placement in the drug education program.  
414 Any person who enters the program shall agree: (1) To the tolling of  
415 the statute of limitations with respect to such crime; (2) to a waiver of  
416 such person's right to a speedy trial; (3) to any conditions that may be  
417 established by the department concerning participation in the drug  
418 education program including conditions concerning participation in  
419 meetings or sessions of the program; and (4) to accept placement in a  
420 treatment program upon the recommendation of a provider under  
421 contract with the Department of Mental Health and Addiction Services  
422 or placement in a treatment program that has standards substantially  
423 similar to, or higher than, a program of a provider under contract with  
424 the Department of Mental Health and Addiction Services if the Bail  
425 Commission deems it appropriate. The department shall require, as a  
426 condition of the assigned program, that such person participate in, and  
427 successfully complete, a community service labor program established  
428 under section 53a-39c, as amended by this act, for a period of four  
429 days.

430 [(e)] (d) If the Bail Commission informs the court that such person is  
431 ineligible for the program and the court makes a determination of

432 ineligibility or if the program provider certifies to the court that such  
433 person did not successfully complete the assigned program, the court  
434 shall [order the court file to be unsealed,] enter a plea of not guilty for  
435 such person and immediately place the case on the trial list.

436 [(f)] (e) If such person satisfactorily completes the assigned  
437 program, such person may apply for dismissal of the charges against  
438 such person and the court, on reviewing the record of such person's  
439 participation in such program submitted by the Bail Commission and  
440 on finding such satisfactory completion, shall dismiss the charges. If  
441 such person does not apply for dismissal of the charges against such  
442 person after satisfactorily completing the assigned program, the court,  
443 upon receipt of the record of such person's participation in such  
444 program submitted by the Bail Commission, may on its own motion  
445 make a finding of such satisfactory completion and dismiss the  
446 charges. Upon motion of such person and a showing of good cause,  
447 the court may extend the placement period for a reasonable period for  
448 such person to complete the assigned program. A record of  
449 participation in such program shall be retained by the Bail  
450 Commission for a period of seven years from the date of application.

451 [(g)] (f) At the time the court grants the application for participation  
452 in the pretrial drug education program, such person shall pay to the  
453 court a nonrefundable program fee of three hundred fifty dollars,  
454 except that no person may be excluded from such program for  
455 inability to pay such fee, provided (1) such person files with the court  
456 an affidavit of indigency or inability to pay, (2) such indigency or  
457 inability to pay is confirmed by the Bail Commission, and (3) the court  
458 enters a finding thereof. The court may waive all or any portion of  
459 such fee depending on such person's ability to pay. If the court denies  
460 the application, such person shall not be required to pay the program  
461 fee. If the court grants the application, and such person is later  
462 determined to be ineligible for participation in such pretrial drug  
463 education program or fails to complete the assigned program, the  
464 three-hundred-fifty-dollar program fee shall not be refunded. All such

465 program fees shall be credited to the General Fund.

466 [(h)] (g) The Department of Mental Health and Addiction Services  
467 shall develop standards and oversee appropriate drug education  
468 programs to meet the requirements of this section and may contract  
469 with service providers to provide such programs. The department  
470 shall adopt regulations, in accordance with chapter 54, to establish  
471 standards for such drug education programs.

472 [(i)] (h) Any person whose employment or residence or schooling  
473 makes it unreasonable to attend a drug program in this state may  
474 attend a program in another state that has standards similar to, or  
475 higher than, those of this state, subject to the approval of the court and  
476 payment of the program fee as provided in this section.

477 Sec. 16. Section 54-105 of the general statutes is repealed and the  
478 following is substituted in lieu thereof:

479 (a) The Director of Probation shall be the executive officer of the  
480 Office of Adult Probation. The judges of the Superior Court or an  
481 authorized committee thereof shall, within the limits of available  
482 appropriated funds and subject to the compensation plan established  
483 under section 51-12, appoint and fix the salaries and the date when  
484 such salaries and services shall commence of such number of  
485 probation officers, assistants and other employees as may be necessary  
486 to provide [adequate probation service] probation services sufficient to  
487 meet the needs of community-supervised offenders. The director shall  
488 supervise and direct the work of the probation officers and other  
489 employees and may require reports from them. [He] The director shall  
490 formulate methods of investigation, supervision, record-keeping and  
491 reports. [He] The director shall compile statistics on the work of all  
492 probation officers and shall perform such other duties as may be  
493 necessary to establish and maintain an efficient probation service in the  
494 Superior Court. [He] The director shall prepare and publish such  
495 reports as may be required by the Chief Court Administrator. In the  
496 pursuance of [his] such duties, [he] the director shall have access to the



497 records of probation officers. [He] The director shall maintain a record  
498 of all probationers.

499 (b) The Director of Probation shall establish within the Office of  
500 Adult Probation an intensive probation program, which shall be  
501 operated separately from regular probation except that it may share  
502 facilities and administrative services. The purpose of intensive  
503 probation is to place persons in the community under close  
504 supervision and restriction to ensure public safety, reduce prison  
505 overcrowding and contribute to the rehabilitation of persons in the  
506 program. There shall be periodic testing for drug or alcohol use for  
507 those probationers on intensive probation who have been identified as  
508 having histories of drug or alcohol abuse. Any defendant placed on  
509 intensive probation who fails to comply with the conditions of [his]  
510 such defendant's intensive probation shall be presented to the court as  
511 provided in subsection (a) of section 53a-32 for a hearing to be  
512 conducted in accordance with said subsection. If such defendant is  
513 found by the court to have violated any condition of [his] such  
514 defendant's intensive probation, the sentencing court or judge may  
515 continue such defendant on intensive probation, modify or enlarge the  
516 conditions of intensive probation or revoke the intensive probation  
517 and either require the defendant to serve the balance of the sentence  
518 imposed or impose any lesser sentence. The director shall have the  
519 same powers and duties with respect to the intensive probation  
520 program as [he] the director has with respect to regular probation  
521 under subsection (a) of this section. Persons may be placed on  
522 intensive probation pursuant to an order of a court or judge under  
523 section 53a-30, as amended by this act, or 53a-39a, as amended by this  
524 act, or as required by the Office of Adult Probation.

525 (c) Subject to the approval of the Chief Court Administrator, the  
526 Director of Probation may establish within the Office of Adult  
527 Probation a community service program, including a community  
528 service labor program, which will assign, supervise and report  
529 compliance of persons sentenced to perform community service as a

530 condition of probation or conditional discharge. Prior to the  
531 establishment of such a community service labor program, the Director  
532 of Probation shall certify to the Chief Court Administrator that all  
533 anticipated costs of a program sufficient for the number of eligible  
534 persons expected to be assigned to it can be paid for within available  
535 appropriations. If the Director of Probation establishes such a  
536 community service program, [said] the director shall, subject to the  
537 approval of the Chief Court Administrator, contract with service  
538 providers, develop standards and oversee community service  
539 programs to implement such program.

540 (d) The Director of Probation shall [establish within the Office of  
541 Adult Probation a program wherein eighty-four probation officers  
542 shall have a caseload of not more than thirty-five probationers per  
543 officer for the purpose of providing high level supervision. This  
544 program shall be implemented with funds appropriated pursuant to  
545 section 48 of public act 90-213\*, provided such caseload may be  
546 increased at the discretion of the Director of Probation if funding for  
547 the current service level for the Office of Adult Probation is reduced]  
548 annually determine probation officer caseloads sufficient to meet the  
549 needs of community-supervised offenders.

550 Sec. 17. Section 54-124b of the general statutes is repealed and the  
551 following is substituted in lieu thereof:

552 The chairman of the Board of Parole, in consultation with the  
553 members of the board and representatives of parole officers, shall  
554 annually [review and establish goals for parole officer to parolee  
555 caseload ratio] determine the caseload of parolees per parole officer to  
556 meet the needs of community-supervised offenders.

557 Sec. 18. Section 54-128 of the general statutes is repealed and the  
558 following is substituted in lieu thereof:

559 (a) If a paroled convict or inmate has violated parole, as established  
560 by the parole officer, and the offense for which the parolee was

561 originally sentenced to parole did not involve the use, attempted use,  
 562 or threatened use of physical force against another person, the Board  
 563 of Parole shall modify the conditions of parole to address the cause of  
 564 the parolee's violation and the parolee's treatment needs. If the Board  
 565 of Parole finds that such modification of parole conditions is not  
 566 appropriate under the circumstances, the court may return the parolee  
 567 to the custody of the Commissioner of Correction or any institution of  
 568 the Department of Correction pursuant to subsection (b) of this section.

569     [(a)] (b) Any paroled convict or inmate who has been returned to the  
 570 custody of the Commissioner of Correction or any institution of the  
 571 Department of Correction for violation of [his] such convict's or  
 572 inmate's parole may be retained in the institution from which [he] such  
 573 convict or inmate was paroled for a period equal to the unexpired  
 574 portion of the term of [his] such convict's or inmate's sentence at the  
 575 date of the request or order for [his] such convict's or inmate's return  
 576 less any commutation or diminution of [his] such convict's or inmate's  
 577 sentence earned, except that the Board of Parole may, in its discretion,  
 578 determine that [he] such convict or inmate shall forfeit any or all of  
 579 such earned time, or may be again paroled by said board.

580     [(b)] (c) Each parolee or inmate, subject to the provisions of section  
 581 18-7, shall be subject to loss of all or any portion of time earned.

582     [(c)] (d) Any person who, during the service of a period of special  
 583 parole imposed in accordance with subdivision (9) of section 53a-28,  
 584 has been returned to the custody of the Commissioner of Correction or  
 585 any institution of the Department of Correction for violation of [his]  
 586 such person's parole, may be retained in the institution from which  
 587 [he] such person was paroled for a period equal to the unexpired  
 588 portion of the period of special parole. The total length of the term of  
 589 incarceration and term of special parole combined shall not exceed the  
 590 maximum sentence of incarceration authorized for the offense for  
 591 which the person was convicted.

592     Sec. 19. (a) There is established a sentencing task force to evaluate

593 the criminal sentencing process at the felony level. The task force shall:  
594 (1) Review existing sentencing laws; (2) evaluate the actual versus the  
595 intended impact of sentencing practices and trends as they relate to the  
596 overall policy; (3) measure the impact of sentencing laws and practices  
597 on the growth of the inmate and community-supervised offender  
598 populations; (4) review all statutory and administrative bond options  
599 and practices; (5) assess the effectiveness of mandatory minimum  
600 sentences, persistent offender statutes and eligibility criteria for  
601 criminal justice sentencing and sanction options; and (6) estimate the  
602 cost of any changes proposed.

603 (b) The sentencing task force shall consist of the following members:  
604 (1) A state's attorney appointed by the Chief State's Attorney; (2) a  
605 public defender appointed by the Chief Public Defender; (3) the chief  
606 administrative judge for the Criminal Division of the Superior Court;  
607 (4) a bail commissioner appointed by the Chief Court Administrator;  
608 (5) a probation supervisor appointed by the Chief Court  
609 Administrator; (6) the Commissioner of Correction; (7) the chairman of  
610 the Board of Parole; (8) the Victim Advocate; (9) an assistant attorney  
611 general dealing with criminal justice matters appointed by the  
612 Attorney General; (10) a representative from the Connecticut Bar  
613 Association's criminal justice section; (11) the chairpersons of the joint  
614 standing committee of the General Assembly having cognizance of  
615 matters relating to judiciary; and (12) six members of the General  
616 Assembly, one of whom shall be appointed by the speaker of the  
617 House of Representatives, one of whom shall be appointed by the  
618 president pro tempore of the Senate, one of whom shall be appointed  
619 by the majority leader of the House of Representatives, one of whom  
620 shall be appointed by the majority leader of the Senate, one of whom  
621 shall be appointed by the minority leader of the House of  
622 Representatives and one of whom shall be appointed by the minority  
623 leader of the Senate.

624 (c) All appointments to the task force shall be made no later than  
625 thirty days after the effective date of this section. Any vacancy shall be

626 filled by the appointing authority.

627 (d) The chairpersons of the joint standing committee of the General  
628 Assembly having cognizance of matters relating to judiciary shall be  
629 the chairpersons of the task force. Such chairpersons shall schedule the  
630 first meeting of the task force, which shall be held no later than sixty  
631 days after the effective date of this section.

632 (e) The administrative staff of the joint standing committee of the  
633 General Assembly having cognizance of matters relating to judiciary  
634 shall serve as administrative staff of the task force.

635 (f) Not later than January 2, 2002, the task force shall submit a report  
636 on its findings and recommendations to the joint standing committee  
637 of the General Assembly having cognizance of matters relating to  
638 judiciary, in accordance with the provisions of section 11-4a of the  
639 general statutes. The task force shall terminate on the date that it  
640 submits such report or January 2, 2002, whichever is earlier.

641 Sec. 20. Section 18-81p of the general statutes is repealed.

***Statement of Purpose:***

To widen the availability and increase the effectiveness of treatment programs and supervision of offenders in the criminal justice system to more effectively provide for the public safety.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*